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*Attorneys for RELIASTAR LIFE INSURANCE
COMPANY*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RELIASTAR LIFE INSURANCE
COMPANY,

Plaintiff,

v.

GRAND HILLS RESORT AND COUNTRY
CLUB, INC., et al.

Defendants.

Case No. 2:14-cv-01157

**STIPULATION AND
AMENDED ORDER GRANTING
INTERPLEADER, DEPOSITING OF
DISPUTED FUNDS, DISMISSAL, AND
ATTORNEYS' FEES**

**STIPULATION AND [PROPOSED] ORDER GRANTING OF
INTERPLEADER, DEPOSITING OF DISPUTED FUNDS, DISMISSAL, AND
ATTORNEY'S FEES**

This matter comes before the Court upon the agreement of the parties. The parties agree that ReliaStar shall deposit the \$600,000.00, plus any applicable interest, less the sum of \$2,500.00 awarded as reasonable attorneys' fees and costs (hereinafter, the "Disputed Funds"), into the Court Registry and be discharged from the action.

The Court finds that ReliaStar has met the requirements under Fed. R. Civ. P. 22 and properly filed its Complaint in Interpleader.

1 The Court also finds that ReliaStar should be discharged from all liability as to the
2 Disputed Funds.

3 The Court also finds that ReliaStar is faced with the possibility of multiple liability and
4 incidental costs with respect to the Disputed Funds, and that ReliaStar shall deposit the Disputed
5 Funds into the Registry of the Court.

6 The Court further finds that ReliaStar has incurred, and is entitled to recover, reasonable
7 attorney fees and costs in pursuing this action in the amount of \$2,500.00.

8 The Court also finds that ReliaStar offered to, and is ready to, deposit with the Court the
9 Disputed Funds.

10 The Court further finds that ReliaStar did not unreasonably delay in the filing of its
11 Complaint in Interpleader.

12 Finally, the Court finds that that all parties named in this proceeding and/or all persons or
13 entities claiming, at any time, an interest in the Disputed Funds should be enjoined from
14 instituting, maintaining, or pursuing any further or future claim, action, or proceeding against
15 ReliaStar, or any other entity, as to the Disputed Funds.

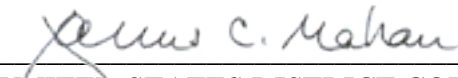
16 IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that:

- 17 (a) ReliaStar is to deposit \$600,000.00, plus interest in the amount of \$37,085.92,
18 within thirty (30) days of the execution of this order less the sum of \$2,500.00, for
19 a total deposit in the amount of \$634,585.92, into the Court Registry within thirty
20 (30) days of the execution of this order;
- 21 (b) Upon the deposit of the Disputed Funds, ReliaStar is discharged from any liability
22 as to the Disputed Funds; and
- 23 (c) This Stipulation and Order is limited to dismissal of ReliaStar with regard to the
24 Disputed Funds only and in no way limits ReliaStar's potential liability with
25

regard to any amount in excess of the Disputed Funds.

(d) ReliaStar is hereby dismissed without prejudice from this case and shall no longer remain a party to the instant litigation.

Dated January 27, 2015.


UNITED STATES DISTRICT COURT JUDGE

AGREED AND ACCEPTED:

HEJMANOWSKI & MCCREA LLC

By: /s/Charles H. McCrea
Charles H. McCrea (SBN 104)
520 South Fourth Street, Suite 320
Las Vegas, Nevada 89101

Attorneys for ReliaStar Life Insurance Company

HOLLEY, DRIGGS, WALCH, PUZEY & THOMPSON

By: /s/Donna Wittig
F. Thomas Edwards (Nevada Bar No. 9549)
Donna Wittig (Nevada Bar No. 11015)
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101

Attorney for Defendant Patrick Howerter

COHEN | JOHNSON

By: /s/H. Stan Johnson
H. Stan Johnson (Nevada Bar No. 00265)
255 E. Warm Springs Road
Suite 100
Las Vegas, Nevada 89119

Attorney for Defendants Grand Hills Resort and Country Club, Inc.

CERTIFICATE OF SERVICE

Pursuant to FED. R. CIV. P. 5(b), I hereby certify that I am an employee of HEJMANOWSKI & McCREA LLC and that on this 20th day of January, 2015, I caused documents entitled **STIPULATION AND [PROPOSED] AMENDED ORDER GRANTING INTERPLEADER, DEPOSITING OF DISPUTED FUNDS, DISMISSAL, AND ATTORNEYS' FEES** to be served as follows:

☒ by depositing same for mailing in the United States Mail, in a sealed envelope addressed to:

H. Stan Johnson (SBN # 265)
Brian A. Morris (SBN #11217)
COHEN JOHNSON
255 E. Warm Springs Road, Suite 100
Las Vegas, Nevada 89119

F. Thomas Edwards (SBN # 9549)
Donna M. Wittig (SBN #11015)
HOLLEY, DRIGGS, WALCH, PUZEY &
THOMPSON
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101

☐ pursuant to FED. R. CIV. P. 5(b)(2)(D) to be sent via facsimile as indicated:

☐ to be hand delivered to:

and/or

☒ by the Court's CM/ECF System.

/s/Charles H. McCrea
An Employee of
HEJMANOWSKI & McCREA LLC